



April 13, 2023

Via ECF

The Honorable Stewart D. Aaron
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

**Re: Letter Motion for Approval to Seal in *In Re ACTOS Antitrust Litig.*
(1:13-cv-09244-RA-SDA)**

Dear Magistrate Judge Aaron:

We write on behalf of all parties to the above-captioned litigation. Pursuant to Your Honor's Individual Practice II.B.3, within three days of documents being filed under seal, a letter must be filed seeking permission to maintain that sealed filing.

On April 10, 2023, Plaintiffs filed a reply in support of Plaintiffs' April 4, 2023 letter motion (ECF Nos. 483, 484) requesting a discovery conference. ECF Nos. 489 (sealed), 490 (public). Certain exhibits attached to the reply were redacted or sealed entirely because they include, or reference, documents Defendants have designated "Confidential" pursuant to the Protective Order. *See* ECF No. 190.

Counsel for the parties have conferred on the relief requested in this motion to seal the reply. Defendants request that these materials remain under seal because they contain confidential communications between Takeda and its legal counsel that reflect legal advice to which the public right of access should not apply. Plaintiffs take no position on Defendants' request.

We appreciate Your Honor's attention to this matter.

Respectfully submitted,

Steve D. Shadowen
/s/ Steve D. Shadowen
Counsel for the Proposed End-Payor Class

R. Brendan Fee
/s/ R. Brendan Fee
Counsel for Defendants

Thomas M. Sobol
/s/ Thomas M. Sobol
Counsel for the Proposed Direct Purchaser Class

cc: Counsel of Record (via ECF)

ENDORSEMENT: No later than Tuesday, May 2, 2023, Defendants shall make a further application in support of the instant motion to seal. The Court notes that many of the proposed redactions do not reflect legal advice, which is the basis of Defendants' motion. The application shall specifically address the proposed redactions of ECF No. 489-3 at p. 6 and other redactions reflecting the same information. SO ORDERED.

Dated: April 25, 2023

A handwritten signature in blue ink, appearing to read "Att C an".